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FAX

DATE: December 7, 2006

TO: Ja Na Hines  
USPTO  
571-273-8300FROM: Philip Cavanaugh  
26215 Ivanhoe  
313-538-2587 (Phone)

Number of Pages (Including Cover Sheet): 2

Re: Application 10/002,690

December 7, 2006

Dear Ms. Hines,

In the office action of 08/14/2004 concerning application 10/002,690, the examiner noted that certain of the figure sections were not referred to adequately. One of the other objections was that the invention was incomplete due to the existence of a gap between the steps.

To correct these, the amendment for application 10/002,690 filed on November 23, 2004, contained amendments to 3 of the drawings. The office actions concerning this amendment, those of March 24, 2006; and of October 12, 2006, do not indicate as to whether or not these amended drawings were approved by the examiner. Or if they were submitted with the proper forms, in the proper format. The applicant recalls that permission from the examiner to submit amended drawings was established by telephone. There is no indication as to whether the inadequate references to figure sections noted in the 08/14/2004 OA were corrected to the examiner's satisfaction.

The nature of the amending of the specification to answer criticisms raised in the October 12, 2006 office action, will depend on as to whether or not these new drawings are approved. The description of the drawings and text related to the drawings is in question.


The applicant questions the lack of notification of this in regards to MPEP 707.07 37 CFR 1.104.

The applicant realizes that there has not yet been any allowable matter with this application, and that this might make the review of the drawings unexpected to date. However, since references to the drawings were brought up in a previous OA, and since these drawings were amended, and may contain what is perceived as new matter, and therefore might involve creating a specification with what is perceived as new matter, it would seem that a communication from the examiner as to the disposition of these new drawings be included in a subsequent office action.

If these drawings are approved, the applicant requests documentation of this, perhaps by interview and the generation of an interview document.

If the drawings are not approved, the applicant requests a written objection to these in a new office action, so that the objections can be properly analyzed, the proper drawings used, and the specification amended appropriately.

Respectfully Yours,

  
Philip Cavanaugh  
Inventor  
Application 10/002,690

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